

REMARKS

Examiner Morgan is thanked for his careful consideration of the prior art and thoughtful analysis of the present patent application. Nonetheless, applicants respectfully submit that the rejections are improper and should be withdrawn.

As an initial matter, the claimed invention makes possible (in preferred embodiments) the routing of in-coming calls and other inquiries in a system that includes a database including a sub-set in which a plurality of codes is associated with the code lot. For instance, as described at pages 2-3 of the specification by way of a non-limiting example, a company may wish to have all the company's employees tested for a certain medical condition. If the employee's code is associated with a code lot known to be assigned to the company, a result providing facility can provide specific medial information concerning the employee's insurance benefits, wellness benefits, or other information tailored specifically for employees of the company.

The claims are rejected over Welner et al. U.S. Patent 5,509,064 in view of Hollatz et al., U.S. 6,222,919. A third reference Elmaleh, U.S. Patent 5,890,492, is cited for two dependent claims.

The section 103 rejections are improper for two reasons. First, the combination of the Welner and Hollatz reference is improper, and relies on hindsight reasoning. Second, and more fundamentally, even if defect in the rejection could be overlooked, the rejection would still be improper because the combination of Welner and Hollatz does not lead to the present invention.

Generally speaking, the disclosure of Welner purports to relate to medical testing systems and methods. In contrast, the teachings of the Hollatz reference are vague and general as to application. There is no suggestion in Hollatz that the technology purportedly disclosed therein could be useful in a medical testing system of the type described by Welner. Although, in hindsight, it can be recognized that Hollatz and Welner both relate to call routing systems, this is insufficient motivation to combine the references.

The Section 103 rejections suffer from a more fundamental defect, however. Even assuming that Welner and Hollatz could properly be combined, the combined teachings of the references still does not lead to the present invention. As recited the pending claims, one step is determining whether the personal identification code input by the user is associated with a code lot. In the Office Action, this teaching is purported to be found in Hollatz, where the grouping of

agents by skill set is deemed to read on the “code lot.” See page 4, line 4.

Applicants respectfully disagree. In Hollatz, agents, or the persons who receive calls, are sorted based on their particular skills. An example of such a skill is the ability to speak a foreign language. Thus, for instance, as set forth at column 5, line 25, a caller who speaks a particular foreign language is routed to an agent who is known to speak that language. In all cases, the grouping of agents in Hollatz is said to be based on the skill set *of the agents*. Even if this grouping of agents were deemed to be a “lot” of agents, as asserted by the Examiner, such grouping of agents is still would not meet the requirements of the claims. The claims specify that the *personal identification codes* of the *users* are determined to fall or not to fall within a particular code lot. The users are those entities (such as persons) that *initiate* inquiries; in contrast, in Hollatz, the agents are persons that *receive* calls that already have been initiated by callers. This distinction alone differentiates Hollatz (and, by extension, the combination of Hollatz with Welner) from the claimed invention. (That is not to say that the claimed invention precludes sorting of agents by code lot. So long as the other claim elements are met, that is a possible optional feature.)

The differences between the claimed invention and cited art run deeper, however. Claim 1 of the present application specifies that the personal identification code is associated with a code *database* that comprises a plurality of codes, in which at least one sub-set of the plurality of codes is associated with a code lot. Even if one were to attempt to equate (improperly) the user lots with the groupings of agents, the database feature of the claimed invention still would be absent. Likewise, one might, in retrospect, attempt to find plural foreign-language callers in Hollatz, and to deem these plural callers a “lot.” Even if one could find such disclosure in Hollatz, such disclosure would not constitute a teaching of a database, much less a database in which personal identification codes of the users are associated. Moreover, in Hollatz, the callers are not routed to an inquiry handler that is selected based on whether the personal identification code is determined to be associated with a code lot.

Thus, even taken together, the Welner and Hollatz references do not provide a database, they do not provide a plurality of personal identification codes, they do not provide for any code lots in the database as a sub-set, they fail to teach the step of determining whether a personal identification code input by said user is associated with a code lot, and they fail to teach routing

inquires to an inquiry handler that is selected based on whether the personal identification code is determined to be associated with a code lot. Even if the references were properly combinable, the combined teachings of the references would not lead to the claimed invention.

The Elmaleh reference is cited only for features of the claimed invention set forth in certain dependent claims, and does nothing to overcome the deficiencies of the two principal references. It is noted that the disclosure of Elmaleh purportedly relates to *two* participating members of an HIV testing program obtaining infection status jointly; this would appear to be contrary to a purpose of Welner, which is for anonymity to be maintained. These reference do not appear to be properly combinable, and the claim rejections that rely on Elmaleh are improper for this additional reason.

For these reasons, applicants respectfully request withdrawal of the claim rejections and allowance of the present patent application.

Respectfully submitted,



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Dated: August 8, 2006

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